

1 THOMAS S. SHADDIX, ESQ.
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9 Attorney for Plaintiff,
10 NATHANIEL SHAPIRO

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13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

15 NATHANIEL SHAPIRO, an individual,

16 Plaintiff,

17 vs.

18 CABLE NEWS NETWORK, INC., a
19 Delaware corporation, PART2 PICTURES
20 LLC, a New York limited liability
21 company, LISA LING, an individual and
22 authorized agent of a business entity
23 currently of unknown form, COURTNEY
24 THOMPSON, individually and as
25 authorized agent of Defendant PART2
26 PICTURES LLC, HEIDI BURKE,
27 individually and as authorized agent of
28 Defendant PART2 PICTURES LLC,
JACKIE HURWITZ, individually and as
authorized agent of Defendant PART2
PICTURES LLC, AMY BUCHER,
individually and as authorized agent of
Defendant PART2 PICTURES LLC,
VINCE KELVIN, a/k/a YANN VON
KANEL, an individual, BAO THAI VU,
a/k/a "TYLER", an individual, LOS
ANGELES SELF-EMPOWERMENT
CENTER, a/k/a THE SELF-
EMPOWERMENT CENTER, a business
entity currently of unknown form; DOES 1
through 50, ROE Business Entities 51-100,

Defendants.

Case No.: 2:17-cv-03033-APG-CHW

**PLAINTIFF'S EX-PARTE MOTION TO
SET ASIDE ORDER OF DISMISSAL
WITHOUT PREJUDICE WITH
RESPECT TO DEFENDANT VU
PURSUANT TO FED.R.CIV.P 60(b) AND
HAVE SAID DEFENDANT DEEMED
SERVED**

1 **COMES NOW**, Plaintiff Nathaniel Shapiro by and through his attorney THOMAS S.
2 SHADDIX, ESQ. of the LAW OFFICE OF THOMAS S. SHADDIX and hereby respectfully submits
3 his Ex-parte Motion to Set Aside Order of Dismissal Without Prejudice with Respect to Defendant
4 Vu Pursuant to Fed.R.Civ.P 60(b) and Have Said Defendant Deemed Served.

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6 Dated this 18th day of May, 2018.

7 Respectfully submitted,

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9 LAW OFFICE OF THOMAS S. SHADDIX

10 /s/ Thomas S. Shaddix
11 THOMAS S. SHADDIX, ESQ.
12 Nevada State Bar No.: 7905
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19 NATHANIEL SHAPIRO

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1 them, at five (5) times cost of the SDCSD. The owner of the company, a licensed private detective
2 and process server, acknowledged credit card payment and receipt of the documents to be served.
3 He gave it to one of his licensed employees, and personal service of the summons and complaint
4 were made upon Defendant Vu on April 13, 2018 (Please see Exhibit "1", attached hereto and
5 incorporated herein). The owner of the company informed counsel of the service, and also said that
6 they had the service on video as a matter of practice. The skip traces had been correct.

7 **Fed.R.Civ.P 60(b)(1) states as follows:**

8 (b) Grounds for Relief from a Final Judgment, Order, or Proceeding. On motion and just terms, the
9 court may relieve a party or its legal representative from a final judgment, order, or proceeding for
10 the following reasons:

11 (1) mistake, inadvertence, surprise, or **excusable neglect**; [Emphasis added].

12 This debacle concerning the service of process on Defendant Vu would not have occurred
13 but for the inexcusable and inconsistent information provided to counsel by agents of the SDCSD.
14 In the interests of justice, it is respectfully submitted that this Motion should be granted in its
15 entirety, and Defendant Vu should be deemed properly served with process in this matter.

16
17 Dated this 18th day of May, 2018.

18 Respectfully submitted,

19
20 LAW OFFICE OF THOMAS S. SHADDIX

21 /s/ Thomas S. Shaddix
22 THOMAS S. SHADDIX, ESQ.
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Attorney for Plaintiff,
NATHANIEL SHAPIRO

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DECLARATION OF THOMAS S. SHADDIX, ESQ. TO 28 U.S.C. 1746
IN SUPPORT OF MOTION

THOMAS S. SHADDIX, ESQ. declares as follows:

1. I am an attorney at law duly licensed to practice before this court and am the retained counsel of Plaintiff. I make the following declaration and statements of fact of my own personal knowledge, except as to those statements made upon information and belief, and as to those matters, I believe them to be true.

2. That pursuant to the provisions of 28 U.S.C. 1746, I hereby declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct of my own personal knowledge, except as to those statements made upon information and belief, and as to those matters, I believe them to be true.

Executed this 18th day of May, 2018 at Las Vegas, Nevada.

/s/ Thomas S. Shaddix
THOMAS S. SHADDIX, ESQ.